

IAP13 Rec'd PCT/PTO 03 NOV 2006

Docket No.: 0102258.00174US3  
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: David S. GARVEY et al. Confirmation No.: 7604  
Application No.: 10/568,819 Art Unit: N/A  
Filed: February 22, 2006 Examiner: Not Yet Assigned  
Title: NITROSATED AND NITROSYLATED CARDIOVASCULAR COMPOUNDS, COMPOSITIONS AND METHODS OF USE

MS Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

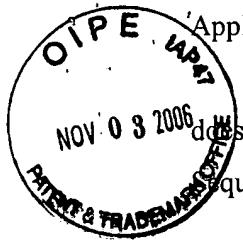
**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS**

Dear Sir:

In response to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office mailed September 28, 2006, Applicants respectfully submit a copy of the Declaration as filed on February 22, 2006 and a copy of the PCT Request and Power of Attorney for the International Application as filed on August 20, 2004, along with a copy of the Notification.

The Notification states that the Declaration filed on February 22, 2006 is not in compliance with 37 CFR 1.497(a) and (b) because the second inventor is listed as "Gordon L. Letts" on the International Application and as "L. Gordon Letts" on the Declaration. Applicants submit that Inventor Letts' name was incorrectly printed on the International Application by the Patent Office. As indicated on the copy of the PCT Request as filed on August 20, 2004, Inventor Letts' name was submitted as "L. Gordon Letts," which matches the name listed on the Declaration. Therefore, the Declaration filed on February 22, 2006 is in compliance with 37 CFR 1.497(a) and (b) and a new Declaration is not required. Since the error in the listing of Inventor Letts' name on the International Application is due to a typographical error by the Patent Office, Applicants believe that no fees are due in response to the Notification.

The Notification on page 2 also states that the application does not contain a "Sequence Listing" as required by 37 CFR 1.821(c). Applicants submit that the application



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does not contain disclosures of nucleotides or amino acid sequences and therefore no separate Sequence Listing is required.

Applicants respectfully submit that all the requirements for acceptance of the instant application under 35 USC 371 have been met by applicants' filing on February 22, 2006. Accordingly, Applicants request that the Patent Office properly issue an official Filing Receipt and Notice of Acceptance for the instant application.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 08-0219, under Order No. 0102258.00174US3.

Respectfully submitted,

Dated: *November 3, 2006*

*Belinda Lew*  
\_\_\_\_\_  
Belinda Lew  
Registration No.: 53,212

Wilmer Cutler Pickering Hale and Dorr LLP  
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PTO/SB/21 (09-06)

Approved for use through 03/31/2007. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

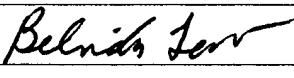
Total Number of Pages in This Submission		Application Number	10/568,819-Conf. #7604
		Filing Date	February 22, 2006
		First Named Inventor	David S. GARVEY
		Art Unit	N/A
		Examiner Name	Not Yet Assigned

Attorney Docket Number 0102258.00174US3

### ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Reply to Missing Requirements/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below):  Copy of Declaration Copy of PCT Request and POA filed 8/20/2004 Copy of Notice
		Remarks

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	WILMER CUTLER PICKERING HALE AND DORR LLP		
Signature			
Printed name	Belinda Lew		
Date	November 3, 2006	Reg. No.	53,212

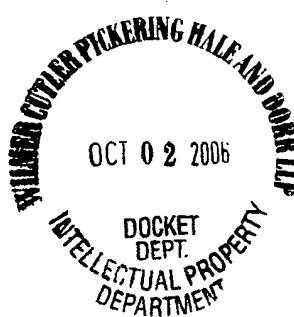


# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/568,819	David S. Garvey	102258.174 US3

25270  
 WILMERHALE/NITROMED  
 1875 PENNSYLVANIA AVE, NW  
 WASHINGTON, DC 20006



INTERNATIONAL APPLICATION NO.	PCT/US04/26910
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I.A. FILING DATE	PRIORITY DATE
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08/20/2004	08/28/2003
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**CONFIRMATION NO. 7604**  
**371 FORMALITIES LETTER**



\*OC000000020632949\*

Date Mailed: 09/28/2006

## **NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 02/22/2006
- Oath or Declaration filed on 02/22/2006
- U.S. Basic National Fees filed on 02/22/2006
- Assignment filed on 02/22/2006
- Priority Documents filed on 02/22/2006
- Power of Attorney filed on 02/22/2006
- Specification filed on 02/22/2006
- Claims filed on 02/22/2006
- Abstracts filed on 02/22/2006

**WILMER CUTLER PICKERING  
 HALE and DORR LLP DOCKETING**  
**RE: 102258.174 US3**

**Action Date: 11-28-06**  
**Action to be Taken: Missing Requirements**  
**Docketed By: M.P. On: 10-2-06**

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - Second Inventor listed as Gordon L. Letts on International Application, and as L Gordon Letts on Declaration. Please clarify.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is **\$65** for a Small Entity:

- **\$65 Surcharge.**

- This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 CFR 1.821(c) Applicant must provide an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment specifically directing its entry into the application and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

**For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:**

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice MUST be returned with the response.*

11/08/2006 ATRAN1 00000118 080219 10568819

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BARBARA A CAMPBELL

Telephone: (703) 308-9140 EXT 217

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**PART 1 - ATTORNEY/APPLICANT COPY**

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U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/568,819	PCT/US04/26910	102258.174 US3

FORM PCT/DO/EO/S05 (371 Formalities Notice)